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LB 752

CLERK: Senator Chambers, I now have Floor Amendment 224, Senator.

SPEAKER WITHEM: Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. Speaker and members of the Legislature, now I'm not talking about the judicial, I meant the genetic testing as such, but to come down more into this same area and it would be found on page 18 starting in line 12. This is what the authorized attorney can do. "Compel by subpoena information relevant to establishing, modifying, or enforcing a support order and genetic testing." This person can compel by subpoena genetic testing. Now what happens if an individual refuses to obey the subpoena? We go down to line 19. "If a person fails or refuses to obey the subpoena, the director, a county attorney, or an authorized attorney may apply to a judge of the court of competent jurisdiction for an order directing such person to comply with the subpoena. Failure to obey such court order may be punished by the court as contempt of court." Now when you bring a subpoena against a person and that person refuses to abide by it and you take that person to court, I'm not even a lawyer. But the first thing I would do is move to quash the subpoena as having been unconstitutionally issued. The person issuing the subpoena ordering the genetic testing is not authorized under the constitution to do so. And then we would go behind the subpoena, they would have to go to this language in the statute that I have read and, at that point, the issue could be joined and I believe that provision of the law would be struck down. And since we've had it repeatedly told to us that all of these portions are necessary to the law to comply with the federal requirements, and that if any of them are excluded and Senator Beutler read the specific federal law that mandates this that I'm talking about, that is an inducement for passing this bill. If the inducement is unconstitutional, the whole bill goes. And I think this in addition to creating the double standard where lawyers and others are concerned, those two are enough I believe to bring down the bill. And I did want to touch on what Senator Beutler said about the attempt to bring a greater degree of equal protection by going after people who don't make a wage in the same way you do after people who do make a wage. The difference is that when you garnish the wages